UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:08-CR-00086-F-1

UNITED STATES OF AMERICA)
)
v.) O R D E R
)
STEVEN McCLENNY,)
Defendant.)

This matter is before the court on Steven McClenny's Motion Pursuant to 18 U.S.C. §

3582(c)(2) for Modification of a Term of Imprisonment [DE-59]. In his motion, McClenny

argues that his term of imprisonment should be modified. Specifically, McClenny contends that

the court sentenced him in a manner that was inconsistent with his plea agreement. McClenny

further contends that his sentence was improperly enhanced by the application of U.S.S.G. §

2D1.1(b)(10)(C)(ii).

Because it appears McClenny is attacking the validity of his sentence, the appropriate

avenue to bring this challenge is by way of a § 2255 motion[1]. To the extent that McClenny seeks

to file a § 2255 motion, he must file it on the appropriate form. The Clerk of Court hereby is

DIRECTED to send a copy of the appropriate § 2255 form to McClenny. If McClenny elects to

pursue a § 2255 motion, he shall have twenty-eight days within which to file his motion on the

appropriate § 2255 form provided by the Clerk. McClenny should send the original of the § 2255

form to following address:

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[1]Title 28 Section 2255 states four grounds upon which such relief may be claimed: (1)
that the sentence was imposed in violation of the Constitution or laws of the United States; (2)
that the court was without jurisdiction to impose such sentence; (3) that the sentence was in
excess of the maximum authorized by law; or (4) that the sentence is otherwise subject to
collateral attack. 28 U.S.C. § 2255(a).

Clerk of Court
United States District Court, E.D.N.C.
ATTN: Prisoner Litigation Division
P.O. Box 25670
Raleigh, North Carolina 27611

SO ORDERED.

This _10_ day of June 2014.

James C. Fox

JAMES C. FOX
SENIOR UNITED STATES DISTRICT JUDGE

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